ORDINANCE NO._____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AMENDING SUBSECTION 84.0830(d) RELATIVE TO NONCONFORMING USES; SUBSECTION 85.0110(b) RELATIVE TO OVERLAY DESIGNATIONS; ARTICLE 2 OF CHAPTER 2 OF DIVISION 5 RELATIVE TO THE FIRE SAFETY OVERLAY DISTRICT; SECTIONS 86.040050, 86.040250(a), 86.040350(a), 86.040450, 86.040550, AND 86.040650 RELATIVE TO THE DEVELOPMENT STANDARDS FOR SINGLE RESIDENTIAL LAND USE DISTRICTS IN THE MOUNTAIN SUB-REGION; SUBSECTION 88.0520(f)(3) RELATIVE TO DESIGNS STANDARDS FOR PLANNED DEVELOPMENTS; AND SUBSECTION 810.0275 RELATIVE TO SUBJECT AREAS FOR EROSION AND SEDIMENT CONTROL, ALL OF TITLE 8 OF THE SAN BERNARDINO COUNTY CODE.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) Properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors of the County of San Bernardino, State of California, pursuant to the Planning and Zoning Law of the State of California and the San Bernardino County Code.

(b) This ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 (b)(3) of the CEQA Guidelines as the proposed changes do not have the potential to cause a significant effect on the environment.

(c) The changes made by this ordinance are necessary to enhance the safety of the citizens of the county.

SECTION 2. Subsection 84.0830(d) of the San Bernardino County Code is amended, to read:

84.0830 Alteration of Nonconforming Uses.

(d) Notwithstanding the provisions regarding Conditional Use Permit or variance, the Building Official may allow the construction of an additional modification to a legally existing structure within a current yard setback area, as established by an applicable residential Land Use District, when such legally existing building is within the yard setback area, and provided such additional modification does not exceed the projection of the existing structure into such current yard setback area and does not come closer than three (3) feet to any property line. In the Fire Safety Overlay District, such additional modification shall not come closer than five (5) feet to any property line.

SECTION 3. Subsection 85.0110(b) of the San Bernardino County Code is amended, to read:

85.0110 Overlay Designations.

(b) The following symbols appear on the official land use or overlay maps to identify the various overlay districts:

SYMBOLS	OVERLAY DISTRICT
AA	Additional Agriculture
AP	Agricultural Preserve
AR1, AR2, AR3, AR4	Airport Safety
AH	Alternate Housing Standards
BR	Biotic Resources
CP	Cultural Resources Preservation
FS1, FS2, FS3	Fire Safety
FP1, FP2, FP3	Flood Plain Safety
GH	Geologic Hazard
HW	Hazardous Waste
MR	Mineral Resources

NH	Noise Hazard
PR	Paleontologic Resources
SR	Scenic Resource
SC	Sign Control

SECTION 4. Article 2 of Chapter 2 of Division 5 of Title 8 of the San Bernardino County Code is amended, to read:

Article 2. FIRE SAFETY (FS) OVERLAY DISTRICT

Sections:

85.020201 Intent.

The Fire Safety Overlay District is created to provide greater public safety in areas prone to wildland brush fires, by establishing additional development standards for these areas.

85.020205 Locational Requirements.

The Fire Safety Overlay District shall be designated in high fire hazard areas as mapped on the County General Plan Hazards Maps with the locations derived from the California Department of Forestry and U.S. Forest Service and the County Fire Department.

85.020210 General Provisions.

(a) The provisions of this section shall apply to all phases of a development project.

(b) A notice of all land use applications and/or development permits that would lead to the construction of structures or the subdivision of land within the Fire Safety Overlay District shall be filed with the responsible fire authority by the Land Use Services Department.

(c) All proposed land use applications that would lead to the construction or expansion of a structure or the subdivision of land shall be submitted to the responsible fire authority and the appropriate Natural Resource Conservation Service office for review and recommendation. Any recommendations received shall be indicated in any staff report and/or presentation for the proposed development and shall be incorporated into the conditions of approval where possible.

(d) All proposed development must meet all other applicable standards set forth by the responsible fire authority.

(e) Any addition, alteration, enlargement or reconstruction of a structure must comply with the provisions of this Article. When an addition, alteration, enlargement or reconstruction of a structure equals or exceeds fifty percent (50%) of the existing structure, or twenty-five percent (25%) of the roof for the roofing requirements only, the provisions of this Article regarding construction requirements shall apply to the entire structure and/or the whole roof as applicable. Such structures and/or roofs shall be entirely retrofitted to comply with the provisions of this Article.

(f) General Standards. The following standards shall apply to all development within the Fire Safety Overlay District.

(1) Firewood Storage: All areas used for the storage of firewood, or other flammable materials shall either be at least thirty (30) feet away from all structures, or wholly enclosed within a structure.

(2) Fences:

(A) Where wood or vinyl fencing is used, there shall be a minimum of five foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred pursuant to a previous code.

Fencing within the five foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction.

(B) All fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of such development project, are not subject to this requirement, except as required in subsection (A) above.

85.020215 Fire Safety Areas.

The Fire Safety Overlay District is divided into three fire safety areas to correspond to district geographic areas and the associated wildland fire hazard. A different set of requirements is applied in each fire safety area.

(a) Fire Safety Area 1 (FS1). Fire Safety Area 1 includes those areas within the mountains and valley foothills. It includes all the land generally within the National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions.

(b) Fire Safety Area 2 (FS2). Fire Safety Area 2 includes those lands just to the north and east of the mountain FS1 area in the mountain-desert interface. These areas have gentle to moderate sloping terrain and contain light to moderate fuel loading. These areas are periodically subject to high wind conditions which have the potential of dramatically spreading wildland fires.

(c) Fire Safety Area 3 (FS3). Fire Safety Area 3 includes lands just to the south of the mountain FS1 area. These lands are primarily within the wildland-urban interface of the Valley Region and consist of varying terrain from relatively flat to steeply sloping hillside areas. Present and future development within FS3 is exposed to the impacts of wildland fires and other natural hazards primarily due to its proximity to FS1. These areas are subject to Santa Ana wind conditions which have the potential of dramatically spreading wildland fires during extreme fire behavior conditions.

85.020220 Building Standards for FS1.

(a) Roof covering: Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.

(b) Exterior walls and building separation for residential uses: Exterior wall separation standards are designed to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure. A minimum thirty (30) foot building separation is required.

(1) All residential structures shall have interior side yard setbacks of twenty percent (20%) of the lot width. Interior side yards shall not be less than five (5) feet and need not exceed fifteen (15) feet. Under no circumstances shall any projection into the interior side yard be closer than five feet from the property line. Wherever possible, exterior wall separations shall not be less than ten (10) feet for all buildings, including those on adjoining parcels.

(2) When exterior walls of residential and accessory buildings or portions thereof are within fifteen (15) feet of interior side or rear lot lines, or the exterior wall separation is less than thirty (30) feet, the outside of all such exterior walls or portions thereof shall be constructed with the modified one-hour construction. Modified one-hour construction shall be defined by the Building Official. Where building separations are less than ten (10) feet, additional mitigation measures may be required by the responsible fire authority.

(c) Eaves: Eaves shall be solidly filled with tight-fitting wood blocks at least one and one-half (1 1/2) inches thick.

(d) Exterior glazing: Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:

(1) Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.

(2) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:

(A) Frame and sash are comprised of vinyl material with welded corners;

(B) Metal reinforcement in the interlock area;

(C) Glazed with insulated glass or tempered;

(D) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and

(E) Certified and labeled in accordance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.

(e) Exterior Doors: All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subsection 85.0220(d)(1) above.

(f) Address Numbers: All new and existing non-accessory buildings shall have internally illuminated, noncombustible building address numbers legible from the street in accordance with the provisions of the Uniform Fire Code as adopted by the County or the authority having jurisdiction.

(g) Structure openings: Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four (4) feet in height which are not fitted with sash or doors, shall be covered with wire screen. The screen covering such openings shall be of corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth (1/8) inch. Eave-type attic ventilators and roof-mounted turbine vents are prohibited.

(h) Insulation: Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.

(i) Setback from National Forest Boundary: All buildings on lots which abut a National Forest that were created after March 9, 1988 shall be set back at least thirty (30) feet from the boundary of the San Bernardino National Forest.

(j) Chimneys: Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, twelve (12) gauge minimum of three-eighths (3/8) inch minimum to one-half (1/2) inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.

(k) Fire hydrants: Fire hydrants shall be identified by a method specified by the Fire Authority.

(l) Fuel tanks: Fuel tanks (e.g., liquefied petroleum tanks) shall be located at least ten (10) feet away from any structure and in accordance with the Uniform Fire Code, the Table of Projections and the Storage Standards specified by Fire Hazard Performance Standards in Chapters 5 and 9 in Division 7 of this Title. Such tanks shall be secured to the ground.

(m) Water faucets: A minimum of two (2) three quarter (3/4) inch faucets with hose connections each served by a three quarter (3/4) inch waterline and installed prior to any pressure reducing device shall be available per habitable structure separated by at least one-third (1/3) of the perimeter of the structure. Such faucets should be on the side(s) of a structure facing fire hazardous areas whenever possible.

(n) Decks: Cantilevered or standard type decks shall be constructed with: 1) a minimum of at least one and one-half (1 1/2) inch wood decking; and/or 2) protected on the underside with materials approved for one (1) hour fire resistive construction; and/or 3) be of noncombustible materials, as defined in the California Building Code.

(o) Patio covers: Patio covers attached or within ten (10) feet of a residential structure with plastic, bamboo, straw or fiberglass or wood lathe lattice made of materials which are one half (1/2) inch or less in width shall be prohibited.

(p) Piping: Exposed piping, except for plumbing vents above the roof, shall be noncombustible as defined in the California Building Code.

(q) Unenclosed or projecting assemblies: Unenclosed or projecting assemblies, such as cantilevered floors, bay windows, etc., which contain concealed space shall be protected on the exposed side with materials approved for the modified one-hour construction.

(r) Additional requirements: Dependent upon specific conditions of the site, such as fire flow, building separation, road conditions, slope, vegetation, etc., or combination thereof, the responsible fire authority may require any structures to meet more stringent construction standards as additional mitigation to the fire threat. Such standards include, but are not limited to, full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.

85.020225 Building Standards for FS2.

(a) Roof covering: Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.

(b) Exterior walls and building separation for residential uses: Exterior wall separation standards are designed to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure. A minimum thirty (30) foot building separation is required.

(1) All residential structures shall have interior side yard setbacks of twenty percent (20%) of the lot width. Interior side yards shall not be less than five (5) feet and need not exceed fifteen (15) feet. Under no circumstances shall any projection into the interior side yard

be closer than five feet from the property line. Wherever possible, exterior wall separations shall not be less than ten (10) feet for all buildings, including those on adjoining parcels.

(2) When exterior walls of residential and accessory buildings or portions thereof are within fifteen (15) feet of interior side or rear lot lines, or the exterior wall separation is less than thirty (30) feet, the outside of all such exterior walls or portions thereof shall be constructed with the modified one-hour construction. Modified one-hour construction shall be defined by the Building Official. Where building separations are less than ten (10) feet, additional mitigation measures may be required by the responsible fire authority.

(c) Eaves: Eaves shall be solidly filled with tight-fitting wood blocks at least one and one-half (1 1/2) inches thick.

(d) Exterior glazing: Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:

(1) Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.

(2) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:

(A) Frame and sash are comprised of vinyl material with welded corners;

(B) Metal reinforcement in the interlock area;

(C) Glazed with insulated glass or tempered;

(D) Frame and sash profiles are certified in AAMA Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and

(E) Certified and labeled in accordance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.

(e) Exterior Doors: All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subsection 85.0220(d)(1) above.

(f) Address Numbers: All new and existing non-accessory buildings shall have internally illuminated, noncombustible building address numbers legible from the street in accordance with the provisions of the Uniform Fire Code as adopted by the County or the authority having jurisdiction.

(g) Structure openings: Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four (4) feet in height which are not fitted with sash or doors, shall be covered with wire screen. The screen covering such openings shall be of corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth (1/8) inch. Eave-type attic ventilators and roof-mounted turbine vents are prohibited.

(h) Insulation: Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.

(i) Setback from National Forest Boundary: All buildings on lots which abut a National Forest that were created after March 9, 1988 shall be set back at least thirty (30) feet from the boundary of the San Bernardino National Forest.

(j) Chimneys: Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, twelve (12) gauge minimum of three-eighths (3/8) inch minimum to one-half (1/2) inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.

(k) Fire hydrants: Fire hydrants shall be identified by a method specified by the Fire Authority.

(l) Fuel tanks: Fuel tanks (e.g., liquefied petroleum tanks) shall be located at least ten (10) feet away from any structure and in accordance with the Uniform Fire Code, the Table

of Projections and the Storage Standards specified by Fire Hazard Performance Standards in Chapters 5 and 9 in Division 7 of this Title. Such tanks shall be secured to the ground.

(m) Water faucets: A minimum of two (2) three quarter (3/4) inch faucets with hose connections each served by a three quarter (3/4) inch waterline and installed prior to any pressure reducing device shall be available per habitable structure separated by at least one-third (1/3) of the perimeter of the structure. Such faucets should be on the side(s) of a structure facing fire hazardous areas whenever possible.

(n) Additional requirements: Dependent upon specific conditions of the site, such as fire flow, building separation, road conditions, slope, vegetation, etc., or combination thereof, the responsible fire authority may require any structures to meet more stringent construction standards as additional mitigation to the fire threat. Such standards include, but are not limited to, full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.

85.020230 Building Standards for FS3.

(a) Roof covering: Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.

(b) Exterior walls: Exterior walls shall be constructed of noncombustible materials or shall provide the equivalent one-hour fire-resistance-rated construction on the exterior side. Interior side yards shall not be less than five feet. Within the Mountain Planning Area, building separation and side yard setbacks shall be as described in FS1/FS2 areas.

(c) Eaves: Eaves shall be enclosed with a minimum 7/8 inch stucco or equivalent protection.

(d) Exterior glazing: Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:

(1) Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.

(2) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:

(A) Frame and sash are comprised of vinyl material with welded corners;

(B) Metal reinforcement in the interlock area;

(C) Glazed with insulated glass or tempered;

(D) Frame and sash profiles are certified in AAMA Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and

(E) Certified and labeled in accordance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.

(e) Exterior Doors: All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subsection 85.0220(d)(1) above.

(f) Address Numbers: All new and existing non-accessory buildings shall have internally illuminated, noncombustible building address numbers legible from the street in accordance with the provisions of the Uniform Fire Code as adopted by the County or the authority having jurisdiction.

(g) Structure openings: Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four (4) feet in height which are not fitted with sash or doors, shall be covered with wire screen. The screen covering such openings shall be of corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth (1/8) inch. Eave-type attic ventilators and roof-mounted turbine vents are prohibited. No attic vent shall be placed facing the foothills/wildland.

(h) Insulation: Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.

(i) Setback from National Forest Boundary: All buildings on lots which abut a National Forest that were created after March 9, 1988 shall be set back at least thirty (30) feet from the boundary of the San Bernardino National Forest.

(j) Chimneys: Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, twelve (12) gauge minimum of three-eighths (3/8) inch minimum to one-half (1/2) inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.

(k) Fire hydrants: Fire hydrants shall be identified by a method specified by the Fire Authority.

(l) Fuel tanks: Fuel tanks (e.g., liquefied petroleum tanks) shall be located at least ten (10) feet away from any structure and in accordance with the Uniform Fire Code, the Table of Projections and the Storage Standards specified by Fire Hazard Performance Standards in Chapters 5 and 9 in Division 7 of this Title. Such tanks shall be secured to the ground.

(m) Water faucets: A minimum of two (2) three quarter (3/4) inch faucets with hose connections each served by a three quarter (3/4) inch waterline and installed prior to any pressure reducing device shall be available per habitable structure separated by at least one-third (1/3) of the perimeter of the structure. Such faucets should be on the side(s) of a structure facing fire hazardous areas whenever possible.

(n) Additional requirements: Dependent upon specific conditions of the site, such as fire flow, building separation, road conditions, slope, vegetation, etc., or combination thereof, the responsible fire authority may require any structures to meet more stringent construction standards as additional mitigation to the fire threat. Such standards include, but are not limited

to, full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.

85.020235 Project Design Requirements.

The following issues shall be evaluated for any development project that is being processed through the Land Use Services Department:

(a) Access:

(1) All development projects and each phase thereof, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two (2) points of vehicular ingress and egress, designed to County road standards, with a minimum width of twenty-six (26) feet of all weather surface as defined in the Uniform Fire Code, from existing and surrounding streets. One such point of vehicular access may be an emergency access route with an all-weather surface if the Planning Agency makes and justifies all of the following findings:

(A) Two points of non-emergency access are physically infeasible.

(B) Provisions have been made to reasonably ensure that the emergency access will be maintained.

(C) Based on the review and consideration of the responsible fire authority's recommendation, the emergency access route will provide adequate vehicular ingress and egress during emergencies.

(2) There shall be vehicular access, at least twelve (12) feet in width, to within at least ten (10) feet of any static water source including ponds, lakes, swimming pools, reservoirs and water storage tanks. Access shall be either to a plumbed outlet with two and one-half (2 1/2) inch National Hose Thread Fitting, or directly to the source. This requirement shall be waived if the fire authority determines that the water source is sufficiently below the elevation of existing or proposed roads or driveways to make drafting of water from the source through a plumbed outlet infeasible, and that direct vehicular access to the water source would require an impractical extension of a road or driveway.

(b) Water Requirements: All development projects shall provide six (6) inch or larger circulating (loop) water mains as required by the Uniform Fire Code, proper hydrant location and spacing, and have sufficient water storage capacity to provide the minimum fire flow duration requirements [gallons per minute (GPM) for a minimum number of hours or portions thereof] as specified by the minimum system standards established by the fire authority. Circulating (loop) mains are not required for cul-de-sacs and are not required for subdivisions that exclusively take all access from cul-de-sacs. In areas not served by water purveyors, on-site fire flow and water storage requirements will be as specified by the Uniform Fire Code.

(c) Streets: All public or private streets within or bordering a development project shall have noncombustible and reflective street name signs designed to County standards and visible at all street intersections.

(d) Vegetation and Grading: Structures in areas with slopes exceeding thirty percent (30%) and thirty (30) feet in height shall comply with the following:

(1) Where structures are proposed or within two hundred (200) feet of slopes that are greater than thirty percent (30%) prior to grading and where such slopes are at least thirty (30) feet in height, the vegetation on such slopes shall be treated in such a manner that it becomes a fuel modified area. Such fuel modified area shall be maintained for either the entire slope, or one hundred (100) feet, or to the property line, whichever distance is less.

(2) Where grading is utilized which does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes which are greater than thirty percent (30%) and which are greater than thirty (30) feet in height, structures shall be set back at least thirty (30) feet from the edge(s) of the graded area adjacent to such natural ungraded slopes.

(e) Fuel Modification Areas.

(1) A permanent fuel modification area shall be required around development projects or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. In no case shall this area be less than one hundred (100) feet in width as measured from the development perimeter. Where feasible, such areas shall be designated as common open space rather than private open space. The recommended width

of the fuel modification area shall be determined based on a Fuel Modification Plan. All final plans shall be reviewed and approved by the responsible fire authority in conjunction with the County Fire Marshall. The plan may be submitted as a preliminary and final plan. A preliminary or final plan shall be submitted concurrently with the development application to the Land Use Services Department for review in conjunction with the project design review. Fuel Modification Plans shall address the following factors, including, but not limited to:

(A) The natural ungraded slope of the land within the project and in the areas adjacent to the project;

(B) Fuel loading;

(C) Access to the project and access directly to the fuel modified area;

(D) The on-site availability of water that can be used for fire fighting purposes;

(E) The continual maintenance of such areas;

(F) The soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion; and

(G) A list of recommended landscape plant materials that are fire resistant.

(2) When development projects are phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. The need for a temporary fuel modification area shall be determined by the responsible fire authority in conjunction with the County Fire Marshall and shall be based upon the same considerations described in Subsection (e)(1) of this section for permanent fuel modification areas.

(f) Erosion and Sediment Control. All development projects, building permits, grading and any other significant land disturbing activity shall install erosion control measures in compliance with the provisions established by the Development Code for such erosion control measures.

(g) Private driveways or access roadways for residential units shall not exceed one hundred fifty (150) feet in length, unless approved by the fire authority pursuant to Section 10.207 of the Uniform Fire Code.

(h) Alternate Measures: Pursuant to Section 85.020240 of this Article and dependent upon site specific conditions, the following design measures or combinations thereof may be substituted for the exterior wall separation requirements for all buildings specified in Subsections 85.020220(b) and 85.020225(b) :

(1) The expansion of fuel modified areas around the perimeter of the development project beyond that required through the provisions of this section or other parts of the County Code.

(2) A substantial transfer of density from steeper slopes, including areas with slopes less than thirty percent (30%) if they exist on-site, to less steep areas within the development project.

(3) Clustering of structures away from the development perimeter and away from fire hazard areas.

(4) Other alternate measures if approved by the Planning Agency pursuant to the provisions of Section 85.020240 of this Article, such as sprinklers.

(i) Every development project application submitted to the Land Use Services Department shall be reviewed by Planning staff through a pre-application conference with the project proponent prior to the acceptance of the application for filing.

(j) A slope analysis shall be filed with all development project land use applications. The slope analysis shall include the following information:

(1) A topographic map of the proposed project area and all adjoining properties within one hundred fifty (150) feet at a scale of not less than one (1) inch to two hundred (200) feet. The contour interval shall not be more than two (2) feet except that the contour interval may be five (5) feet if the general natural ungraded slope is more than ten percent (10%). Contour lines are to be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.

(2) The natural, ungraded, slope categories to be computed are zero percent (0%) to less than fifteen percent (<15%), fifteen percent (15%) to less than thirty percent (<30%), and thirty percent (30%) or greater. The minimum area (polygon) used for slope calculation shall be five thousand (5,000) square feet;

(3) The area, in acres, shall be tabulated for each category.

(k) A preliminary grading plan shall be filed with all development project land use applications, except that preliminary grading plan requirements may be waived by the Director of Land Use Services if it is determined through the required preapplication conference that such requirements are unnecessary due to site specific soils, topographic or other physical conditions, or due to the specific design of the project. The preliminary grading plan shall include the following:

(1) A topographic map of the proposed project area and all adjoining properties within one hundred fifty (150) feet at a scale of not less than one (1) inch to two hundred (200) feet. The contour interval shall not be more than two (2) feet except that the contour interval may be five (5) feet if the natural ungraded slope is more than ten percent (10%). Contour lines to be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.

(2) Contours of the finished graded slope shall be shown at intervals similar to that on the topographic base map.

(3) Street grades, slope ratios, flow lines, pad elevations, maximum elevation of top and minimum elevation of toe of finished slopes over five (5) feet in vertical height, the maximum heights of those slopes and approximate total cubic yards of cut and fill shall be shown on the preliminary grading plan.

(4) Compliance with the current edition of the California Building Code, as adopted by the County of San Bernardino, is required.

(5) In the event no such grading is proposed, a statement to that effect shall be placed on the required topographic map described in Subsection 85.020235(j)(1) above

and this map shall delineate the boundary of an adequately sized building pad, driveway and septic system (if proposed) for each parcel proposed.

(l) Residential Density: In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any tentative parcel map or tentative tract map in sloping hillside areas shall be in accordance with the following criteria: One to four (1-4) dwelling units per gross acre on slopes of zero to less than fifteen percent (0-<15%), two (2) dwelling units per gross acre on slopes of fifteen to less than thirty percent (15-<30%), one (1) dwelling unit per three (3) gross acres on slopes of greater than thirty percent (30%) gradient. In the West Valley Foothills Planning Area, zero density is allowed for any portion of a proposed tentative parcel map or tentative tract map on slopes of greater than thirty percent (30%) gradient.

(m) When twenty-five percent (25%) or more of a subdivision project site involving five or more lots is located on natural slopes greater than thirty percent (30%), the subdivision application shall be submitted concurrently with a Planned Development application to evaluate appropriate project design in consideration of topographic limitations of the site. This provision shall not apply if all of the areas on the site with natural ungraded slopes over thirty percent (30%) are permanently restricted from structural development.

(n) Residential density bonuses, if any, shall only be permitted through Planned Developments.

(o) Perimeter Access to Fuel Modified and Fire Hazard Areas: Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Adequate access will help prevent structural development from becoming a barrier between fire fighting equipment and personnel and the development perimeter. Development projects shall provide for adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through

conditions of approval for the development project for the continual maintenance of the areas intended to provide such access. Perimeter access shall be provided, either through one of the following two measures or through alternate measures pursuant to Section 85.020240 of this Article:

(1) The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to fire fighting equipment. Such a road shall be capable of supporting fire fighting equipment, shall be at least twenty (20) feet in width and shall not exceed a grade of fourteen percent (14%). The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained if it is not within the publicly maintained road system.

(2) Development projects shall provide access ways, at least twelve (12) feet in width, with a grade not to exceed fourteen percent (14%), and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of three hundred fifty (350) feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.

(p) Lengths of Cul-de-sacs:

(1) Standard: Cul-de-sacs shall not exceed three hundred fifty (350) feet in length, except that they may be extended as allowed by this subsection.

(2) Exception for parcels of less than five (5) acres in area. Cul-de-sacs may exceed three hundred fifty (350) feet in length but shall not exceed six hundred (600) feet in length, if:

(A) Alternate measures are utilized pursuant to the provisions of Section 85.020240 of this Article or;

(B) Based upon consideration of the recommendation of the responsible fire authority, the Planning Agency determines that the cul-de-sac is situated and designed such that the parcels taking access from it are not contiguous to or exposed to either undeveloped fuel modified areas along the development perimeter of the project or to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildland fires.

(3) Exception for parcels greater than five (5) acres in area. Cul-de-sacs may exceed six hundred (600) feet in length if all parcels that take access from the cul-de-sac are five (5) acres or greater in area and:

(A) The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five (5) acres or less.

(B) Alternate measures are utilized pursuant to the provisions of Section 85.020240 of this Article.

(4) Alternate Measures. Pursuant to Section 85.020240 of this Article and dependent upon site specific conditions, one of the following measures or combinations thereof may be used to mitigate the effect of creating cul-de-sacs up to six hundred (600) feet in length with parcels less than five (5) acres in area:

(A) Limitation of the total number of dwelling units which have access to the cul-de-sac to no more than fifteen (15), and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. Such restrictions shall be imposed through the conditions of approval of the development project.

(B) A continuous perimeter access road at least twenty (20) feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is driveable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for such vehicles, and is designed such that at least one point of access to the perimeter access road is taken from roads other than the cul-de-sac in question.

(C) The cul-de-sac road will have a paved width of at least forty (40) feet with posted no parking for its entire length and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on or off-site.

(D) Other alternate measures approved by the Planning Agency pursuant to Section 85.020240 of this Article.

85.020240 Alternate Hazard Protection Measures.

(a) Applicability. The following provisions shall apply only to the standards and requirements of Subsections 85.020220(b) and 85.020225(b), regarding building separations, 85.020235(m) regarding perimeter access and 85.020235(n), regarding length of cul-de-sacs. Since these alternative measures apply to the standards and requirements that pertain to these three specific design elements, they are intended to be applied to development projects only and not to individual lot conditions. Therefore, they do not apply to the determination of setbacks for residential construction on individual lots.

(b) Intent. The intent of this subsection is to allow greater design flexibility than would otherwise be permitted in order to provide a more efficient and effective achievement of the purposes of the Fire Safety (FS) Overlay District. Design flexibility is provided by allowing the substitution of alternate measures for the established standards or requirements if it is found that they provide the same or a greater level of protection from wildland fires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement.

(c) Substitution of Alternative Measures for Standards and Requirements.

(1) If alternative measures are proposed, the responsible fire authority shall determine, with specific consideration of the effect of the proposed alternative measures, whether the proposed development project has adequate provisions for fuel modification and management, including the ongoing maintenance of fuel modified areas.

(2) If the responsible fire authority makes a positive determination pursuant to Subsection 85.020240(c)(1) of this Article, then alternate measures may be substituted for the

established standards and requirements if the Planning Agency, with consideration of the recommendation of the responsible fire authority, finds and justifies all of the following:

(A) Alternative measure(s) have been substituted which meet the intent of and which serve the same purpose as the established standard or requirement.

(B) The alternative measure(s) that have been substituted provide the same or a greater level of protection or are as effective as the established standard or requirement.

(C) There are clear and substantial reasons for utilizing the alternative measure(s) because they provide for a more efficient and economic use of the site, or provide for a superior physical design, and are consistent with the intent of the Fire Safety (FS) Overlay District.

SECTION 5. Section 86.040050 of the San Bernardino County Code is amended, to read:

86.040050 Mountain Subregion Planning Area.

The following shall apply to all mountain areas not within another Mountain Planning Area and shall replace the corresponding development standards provided in the land use districts and applicable overlay districts.

Single Residential Development Standards

DEVELOPMENT STANDARDS		
Maximum Structure Height (ft.)		35
Minimum Lot Size (sq. ft.) map suffix will modify		7,200
Maximum Lot Coverage (building coverage)		50%
Maximum Lot Dimensions (width to depth ratio)	? 10 acres < 10 acres	1:4 1:3
Minimum Lot Dimensions (width/depth in ft.)	interior lot corner lot lot size 1 acre +	60/100 70/100 150 wide
Front Yard Setback (ft.) See (1) below		15
Side Yard Setbacks (ft.)		20% of lot width, need not exceed 15*

Rear Yard Setbacks (ft.)	15
Street Side Yard Setbacks (ft.)	15

* The side yard setback standards in the Fire Safety Overlay District [Section 85.020220(b)] shall prevail. The setback provisions of the small lot development standards [Section 88.0915(c)(2)] shall not apply.

SECTION 6. Section 86.040250(a) of the San Bernardino County Code is amended, to read:

86.040250 Bear Valley Planning Area.

(a) Single Residential (RS) Land Use District Development Standards.

DEVELOPMENT STANDARDS		
Maximum Structure Height (ft.)		35
Minimum Lot Size (sq. ft.) map suffix will modify		7,200
Maximum Lot Coverage (building coverage)		40%
Maximum Lot Dimensions (width to depth ratio)	? 10 acres < 10 acres	1:4 1:3
Minimum Lot Dimensions (width/depth in ft.)	interior lot corner lot lot size 1 acre +	60/100 70/100 150 wide
Front Yard Setback (ft.)		15
Side Yard Setbacks (ft.)		20% of lot width, need not exceed 15*
Rear Yard Setbacks (ft.)		15
Street Side Yard Setbacks (ft.)		15

* The side yard setback standards in the Fire Safety Overlay District [Section 85.020220(b)] shall prevail. The setback provisions of the small lot development standards [Section 88.0915(c)(2)] shall not apply.

SECTION 7. Section 86.040350(a) of the San Bernardino County Code is amended, to read:

86.040350 Crest Forest Planning Area.

(a) Single Residential Development Standards

DEVELOPMENT STANDARDS		
Maximum Structure Height (ft.)		35
Minimum Lot Size (sq. ft.) map suffix will modify		7,200
Maximum Lot Coverage (building coverage)		40%
Maximum Lot Dimensions (width to depth ratio)	? 10 acres < 10 acres	1:4 1:3
Minimum Lot Dimensions (width/depth in ft.)	interior lot corner lot lot size 1 acre +	60/100 70/100 150 wide
Front Yard Setback (ft.)		15
Side Yard Setbacks (ft.)		20% of lot width, need not exceed 15*
Rear Yard Setbacks (ft.)		15
Street Side Yard Setbacks (ft.)		15

* The side yard setback standards in the Fire Safety Overlay District [Section 85.020220(b)] shall prevail. The setback provisions of the small lot development standards [Section 88.0915(c)(2)] shall not apply.

SECTION 8. Section 86.040450 of the San Bernardino County Code is amended, to read:

86.040450 Hilltop Planning Area.

The following development standards shall replace the corresponding development standards provided in the land use districts and applicable overlay districts.

Single Residential Development Standards

DEVELOPMENT STANDARDS		
Maximum Structure Height (ft.)		35
Minimum Lot Size (sq. ft.) map suffix will modify		7,200
Maximum Lot Coverage (building coverage)		50%
Maximum Lot Dimensions (width to depth ratio)	? 10 acres < 10 acres	1:4 1:3
Minimum Lot Dimensions (width/depth in ft.)	interior lot corner lot lot size 1 acre +	60/100 70/100 150 wide
Front Yard Setback (ft.)		15
Side Yard Setbacks (ft.)		20% of lot width, need not exceed 15*
Rear Yard Setbacks (ft.)		15
Street Side Yard Setbacks (ft.)		15

* The side yard setback standards in the Fire Safety Overlay District [Section 85.020220(b)] shall prevail. The setback provisions of the small lot development standards [Section 88.0915(c)(2)] shall not apply.

SECTION 9. Section 86.040550 of the San Bernardino County Code is amended, to read:

86.040550 Lake Arrowhead Planning Area.

The following development standards shall replace the corresponding development standards provided in the land use districts and applicable overlay districts.

Single Residential Development Standards

DEVELOPMENT STANDARDS		
Maximum Structure Height (ft.)		35
Minimum Lot Size (sq. ft.) Slope/density formula or map suffix will modify		7,200
Maximum Lot Coverage (building coverage)		40%
Maximum Lot Dimensions (width to depth ratio)	? 10 acres < 10 acres	1:4 1:3
Minimum Lot Dimensions (width/depth in ft.)	interior lot corner lot lot size 1 acre +	60/100 70/100 150 wide
Front Yard Setback (ft.)		15
Side Yard Setbacks (ft.)		20% of lot width, need not exceed 15*
Rear Yard Setbacks (ft.)		15
Street Side Yard Setbacks (ft.)		15

* The side yard setback standards in the Fire Safety Overlay District [Section 85.020220(b)] shall prevail. The setback provisions of the small lot development standards [Section 88.0915(c)(2)] shall not apply.

SECTION 10. Section 86.040650 of the San Bernardino County Code is amended, to read:

86.040650 Lytle Creek Planning Area.

The following development standards shall replace the corresponding development standards provided in the land use districts and applicable overlay districts.

Single Residential Development Standards

DEVELOPMENT STANDARDS		
Maximum Structure Height (ft.)		35
Minimum Lot Size (sq. ft.) map suffix will modify		7,200
Maximum Lot Coverage (building coverage)		40%
Maximum Lot Dimensions (width to depth ratio)	? 10 acres < 10 acres	1:4 1:3
Minimum Lot Dimensions (width/depth in ft.)	interior lot corner lot lot size 1 acre +	60/100 70/100 150 wide
Front Yard Setback (ft.)		15
Side Yard Setbacks (ft.)		20% of lot width, need not exceed 15*
Rear Yard Setbacks (ft.)		15
Street Side Yard Setbacks (ft.)		15

* The side yard setback standards in the Fire Safety Overlay District [Section 85.020220(b)] shall prevail. The setback provisions of the small lot development standards [Section 88.0915(c)(2)] shall not apply.

SECTION 11. Subsection 88.0520(f)(3) of the San Bernardino County Code is amended, to read:

88.0520 Design Standards.

(f) (3) Planned development projects which are within Fire Safety (FS) Overlay Districts shall develop perimeter areas in accordance with standards set forth in that element.

SECTION 12. Section 810.0275 of the San Bernardino County Code is amended, to read:

810.0275 Subject Areas.

The provisions of this chapter shall apply to and be enforced in all areas within the Fire Safety (FS) Overlay District, except for ministerial projects within the FS2 and ministerial projects

within the FS3 that are located on parcels that are less than one acre and that have a slope of less than ten percent (10%).

SECTION 13. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions thereof be declared invalid or unconstitutional. If for any reason any portion of this ordinance is declared invalid or unconstitutional, then all other provisions hereof shall remain valid and enforceable.

SECTION 14. This ordinance shall become effective thirty (30) days after its adoption.

_____
DENNIS HANSBERGER, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

J. RENEÉ BASTIAN,
Clerk of the Board of Supervisors
of the County of San Bernardino

_____

STATE OF CALIFORNIA)
)ss.
COUNTY OF SAN BERNARDINO)

I, J. RENEÉ BASTIAN, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the _____ day of _____, 2004 at which meeting were present Supervisors:

and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES:
NOES:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this _____ day of _____, 2004.

J. RENEÉ BASTIAN,
Clerk of the Board of Supervisors of the County

_____
Deputy